

U.S. Admits Baker 'Bug' Was Illegal

Justice Dept. Says Eavesdroppings Breached Rights

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The Justice Department was formally stipulated in District Court here that it violated Robert G. ("Bobby") Baker's Constitutional rights by secretly eavesdropping on his private conversations.

The admission raised the possibility—probably remote—of a criminal prosecution against J. Edgar Hoover, his agents in the FBI and Justice Department officials who may have been involved in the eavesdropping.

It is a Federal crime under Title 18, Sec. 242 of the U.S. Code for two or more persons to conspire to injure the Constitutional rights of any citizen.

This is the same section of the code invoked in recent years by the Justice Department to prosecute a number of civil rights cases in the South. The penalty for conviction under the statute is a maximum fine of \$5000 and a maximum prison sentence of 10 years.

Conceded by Bittman

In the present case, Justice Department Prosecutor William O. Bittman conceded to District Judge Oliver Gasch that the eavesdropping violated Baker's rights under the Fourth Amendment which protects citizens from "unreasonable search and seizure."

The stipulation was made at a lawyers' conference with Judge Gasch on Wednesday and was revealed in open court yesterday by Edward Bennett Williams, Baker's lawyer.

This development came on the third day of a pre-trial hearing into the issue of whether Baker's indictment early this year for fraud, lar-

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keny and tax evasion was "tainted" by the Government's eavesdropping.

A Justice Department spokesman had no comment on the stipulation, except to say that it had no bearing on the indictment.

The Justice Department and a procession of FBI agents who took part in the electronic eavesdropping in Las Vegas and Miami and at the Sheraton-Carlton Hotel here have admitted that at least 22 Baker conversations were secretly intercepted by hidden "bugs."

One of the conversations was recorded on Dec. 30, 1964, in Miami at a time when a Federal Grand Jury in Washington was considering the Baker indictment.

In Associate's Office

The Miami agents who testified yesterday also revealed for the first time that a special "conflict of interest" investigation of Baker was ordered late in 1963. Simultaneously, the Miami agents were picking up Baker conversations from a "bug" planted in the office of Benjamin Sigelbaum, a Miami financier who was a Baker business associate.

However, the Government insisted that the two investigations were independently conducted out of the Miami FBI office. Fred W. Doerner Jr., the agent in charge of the Sigelbaum "bugging" operation, said he at no time informed the agents investigating Baker that he was recording conversations between Baker and Sigelbaum.

This has been the Government's position ever since the eavesdropping issue was raised in the Baker case.

The 22 conversations involving Baker were "patently innocuous", Bittman has said, were picked up accidentally in the course of an eavesdropping operation aimed at "organized crime", and were, in any case, wholly unrelated to the indictment which was based on evidence independently obtained.

Through his questioning of FBI personnel this week, Wil-

liams has sought to show that the government eavesdroppers had a special interest in Baker. None of the FBI witnesses has confirmed Williams' theory except monitoring agents from Las Vegas who said they had been alerted to record any conversations involving Baker picked up by a "bug" in the Fremont Hotel office of gambler Edward Levinson.

On 8-Hour Shifts

Most of the testimony yesterday dealt with the monitoring routine. The usual practice, the FBI agents testified, was to assign monitors to individual "bugs" for eight-hour shifts. While listening to conversations they transcribed summaries by hand in log books and simultaneously recorded them on tape in case verbatim transcripts were needed.

In the case of the "bug" planted in the Sheraton-Carlton suite of business consultant Fred B. Black Jr., however, the agents frequently worked 24-hour shifts in a room adjoining the Black suite. One agent, Carlton Giovannetti, who is now retired, said he didn't leave the room even for meals except at the breakfast hour when the Black suite was empty.

The hearing resumes at 11 a.m. today.